



John Brenden <senatorbrenden@gmail.com>

## SB 77 amendments

1 message

Wed, Jan 9, 2013 at 12:30 PM


**Kurtz, Leanne** <lekurtz@mt.gov>  
To: "senatorbrenden@gmail.com" <senatorbrenden@gmail.com>

Sen. Brenden,

I have prepared the attached amendments for your SB 77 which increases the amount at which local government purchases and contracts must go to bid. Per an email from Bob Vogel, this amendment adds counties and school districts to the bill which was initially drafted to only apply to municipalities. I want to make sure you have the amendment and are ok with it before the hearing. I staff Senate Local Government so will have copies for the committee. Thank you.

Leanne

Leanne Kurtz  
Research Analyst  
Legislative Services Division  
Rm. 111-A, State Capitol  
406-444-3593

 **SB007701.alk.pdf**  
16K

(b) be employed in any capacity by the trustee's own school district, with the exception of officiating at athletic competitions under the auspices of the Montana officials association.

(2) For the purposes of subsection (1):

(a) "contract" does not include:

(i) merchandise sold to the highest bidder at public auctions;

(ii) investments or deposits in financial institutions that are in the business of loaning or receiving money when the investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or

(iii) contracts for professional services, other than salaried services, or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources if the interest of any board member and a determination of the lack of availability are entered in the minutes of the board meeting at which the contract is considered; and

(b) "pecuniary interest" does not include holding an interest of 10% or less in a corporation.

(3) (a) Except for district needs that must be met because of an unforeseen emergency, as defined in 20-3-322(5), or as provided in subsections (4) and (6) of this section, whenever any building, furnishing, repairing, or other work for the benefit of the district or purchasing of supplies for the district is necessary, the work done or the purchase made must be by contract if the sum exceeds ~~\$50,000~~ \$100,000.

(b) Except as provided in Title 18, chapter 2, part 5, each contract must be let to the lowest responsible bidder after advertisement for bids. The advertisement for bids under this subsection (3)(b) must be published in the newspaper that will give notice to the largest number of people of the district as determined by the trustees. The advertisement must be made once each week for 2 consecutive weeks, and the second publication must be made not less than 5 days or more than 12 days before consideration of bids. A contract not let pursuant to this section is void. The bidding requirements applicable to services performed for the benefit of the district under this section do not apply to:

(i) a registered professional engineer, surveyor, real estate appraiser, or registered architect;

(ii) a physician, dentist, pharmacist, or other medical, dental, or health care provider;

(iii) an attorney;

(iv) a consulting actuary;

(v) a private investigator licensed by any jurisdiction;

(vi) a claims adjuster;

(vii) an accountant licensed under Title 37, chapter 50; or

(viii) a project, as defined in 18-2-501, for which a

governing body, as defined in 18-2-501, enters into an alternative project delivery contract pursuant to Title 18, chapter 2, part 5.

(4) A district may enter into a cooperative purchasing contract for the procurement of supplies or services with one or more districts. A district participating in a cooperative purchasing group may purchase supplies and services through the group without complying with the provisions of subsection (3) if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

(5) This section may not require the board of trustees to let a contract for any routine and regularly performed maintenance or repair project or service that can be accomplished by district staff whose regular employment with the school district is related to the routine performance of maintenance for the district.

(6) Subsection (3) does not apply to the solicitation or award of a contract for an investment grade energy audit or an energy performance contract pursuant to Title 90, chapter 4, part 11, including construction and installation of conservation measures pursuant to the energy performance contract."

{ Internal References to 20-9-204:

x18-2-501      x20-6-606      x20-10-110      x20-10-125 }"

**Renumber:** subsequent section

- END -



John Brenden <senatorbrenden@gmail.com>

---

## Senate Bill 77

1 message

---

**Bobbi Skyberg** <townofnashua@nemont.net>  
To: SenatorBrenden@gmail.com

Tue, Jan 15, 2013 at 10:56 AM

On behalf of Nashua's Mayor, Pat Hallett, I am sending you this email in regards to Senate Bill 77. The Town of Nashua requests that you vote in favor of this bill. It would be to the Town's benefit to have this bill in place.

Regards,

Bobbi Skyberg, Clerk/Treasurer

Town of Nashua

PO Box 47

Nashua, MT 59248

(406) 746-3461



John Brenden <senatorbrenden@gmail.com>

---

**SB-77**

1 message

---

**City of Glasgow** <cityofglasgowmt@hotmail.com>

Tue, Jan 15, 2013 at 9:44 AM

To: senatorbrenden@gmail.com

The City of Glasgow is in **support** of SB-77, raising the competitive bid amount on municipal contracts from \$50,000.00 to \$100,000.00.

Thank you,

Daniel Carney  
Mayor  
City of Glasgow



John Brenden <senatorbrenden@gmail.com>

---

## Raising the Municipal Bidding Requirement to \$100,000

1 message

---

townoffp <townoffp@nemont.net>

Tue, Jan 15, 2013 at 9:49 AM

To: John Brenden <SenatorBrenden@gmail.com>

Senator Brenden,

No one from the Town of Fort Peck is able to attend tomorrow's hearing on SB 77 but we want you to know that the Town of Fort Peck supports this bill. Thank you for sponsoring this good legislation.

Bobette Kirkland

Town Clerk/Treasurer

Town of Fort Peck

(406)526-3220

email = townoffp@nemont.net



John Brenden <senatorbrenden@gmail.com>

---

**Senate Bill 77 & TSEP funds for Malta**

1 message

---

**Shyla Jones** <shyla@mtintouch.net>  
To: senatorbrenden@gmail.com

Tue, Jan 15, 2013 at 7:41 PM

Hi John,

I am asking you to please support Senate Bill 77 to raise competitive bidding from \$50,000 to \$100,000. With today's prices for equipment this would REALLY help our town in a positive manner. Malta would really appreciate your support for this bill.

Also Malta's application for TSEP funding fell below the cutoff for funding. However, Carolyn our clerk was there today to testify for our project. (I was not able to attend as I had work conflicts with my "day" job) I would ask you that if Malta's application is one that is considered for additional funding that you support that as well. This project is very important to Malta as we do not have proper fire flows to our Hospital, Clinic, and Nursing home. The money that we would receive from TSEP would be used to help us upgrade our main water line infrastructure to meet fire flow requirements to these vital business in our community and upgrade old deteriorating water infrastructure to several other businesses in Malta as well.

Thanks for your support for Malta!!

Shyla Jones

Mayor of Malta

shyla@mtintouch.net



John Brenden <senatorbrenden@gmail.com>

---

**Senate Bill 77 - competitive bidding**

1 message

---

**Dewayne Jager** <cooper@nemont.net>  
To: SenatorBrenden@gmail.com

Wed, Jan 16, 2013 at 9:42 AM

Senator Brenden

As Mayor of Wolf Point, I am in favor of passing Senate Bill 77. Revise municipal contract bidding law - no bid required up to \$100K.

Mayor Dewayne W. Jager of Wolf Point, MT.

My email address: cooper@nemont.net